

**CITY OF WOBURN
DECEMBER 7, 2021 – 7:00 P.M.
REGULAR MEETING OF THE CITY COUNCIL
COUNCIL CHAMBER, WOBURN CITY HALL**

Roll Call

| | |
|-----------|--------------|
| Campbell | Ferullo |
| Concannon | Gately |
| Demers | Lannan |
| Dillon | Mercer-Bruen |
| Tedesco | |

VOTED to dispense with the reading of the previous meeting's Journal and to APPROVE.

MAYOR'S COMMUNICATIONS:

A communication dated November 18, 2021 was received from His Honor the Mayor Scott D. Galvin as follows:

RE: ADOPTION OF UPDATED HAZARD MITIGATION PLAN FOR THE CITY OF WOBURN

Dear Members of the City Council:

I respectfully request your approval of the attached resolution/certificate which memorializes the City of Woburn's adoption of a revised Hazard Mitigation Plan (HMP). A copy of the updated draft Plan can be conveniently found on the Planning Board's webpage on the City's website (www.cityofwoburn.com). A hardcopy is also available for public review in the Mayor's Office and Planning Board's office. Upon Council approval of the attached resolution/certificate, and final notice from FEMA, the final Plan will be posted to the Planning Board's webpage as well.

As you may know, hazard mitigation is the effort to reduce loss of life and property by lessening the impact of disasters. It is most effective when implemented under a comprehensive, long-term mitigation plan. The Federal Emergency Management Agency (FEMA) encourages State and local governments to engage in hazard mitigation planning – and to develop hazard mitigation plans – in order to identify risks and vulnerabilities associated with natural disasters and to develop long-term strategies for protecting people and property from future hazard events. Adoption of an updated HMP, and approval of the attached resolution, will ensure the City of Woburn remains eligible for certain grant funds and certain types of non-emergency disaster assistance.

Our plan identifies and then assesses the potential impacts on the City from a variety of hazards: flooding, high winds, winter storms, brush fires and geologic hazards. It also lays out and prioritizes goals and strategies for dealing with each type and occurrence of hazardous conditions.

Please feel free to contact City Planner Tina Cassidy or City Engineer Jay Corey if you have any questions about the Plan. Special thanks are due to Ms. Anne Herbst, Principal Environmental Planner for MAPC, for her expertise and guidance in creating this document.

Respectfully, s/Scott D. Galvin, Mayor

RESOLVED

WHEREAS, the City of Woburn Massachusetts established a Committee to prepare the *City of Woburn Hazard Mitigation Plan 2021 Update*; and

WHEREAS, the *City of Woburn Hazard Mitigation Plan 2021 Update* contains several potential future projects to mitigate potential impacts from natural hazards in the City of Woburn; and

WHEREAS, duly-noticed public meetings were held by the City's hazard mitigation planning team on June 3, 2021, and the Planning Board on July 27, 2021; and

WHEREAS, the City of Woburn authorizes responsible departments and/or agencies to execute their responsibilities demonstrated in the Plan update;

NOW, THEREFORE BE IT RESOLVED that the Woburn City Council adopts the *City of Woburn Hazard Mitigation Plan 2021 Update*, in accordance with M.G.L. Chapter 40 section 4 or the charter and ordinances of the City of Woburn.

s/President Tedesco
Per request by the Mayor

NEW PETITIONS:

Petition by DCD Nucar WOMA, LLC, 40 Winn Street, for renewal of First Class Motor Vehicles Sales License.

Petitions for renewal of Second Class Motor Vehicles Sales Licenses by the following:
Donald J. Socorelis dba Woburn Glass Co, 243 Main Street; McDermottroe Auto Sales, 229

Lexington Street; Murray's Enterprises, Inc. dba Murray's Auto & Truck Sales, 89 Winn Street; and Enterprise Renta-a-Car Company of Boston, LLC, 248 Mishawum Road.

Petition by National Grid for a grant of right in a way to install a new 4-inch-high pressure gas main to replace an existing low pressure gas main along Wilcox Circle between Main Street and #7 Lowell Street.

Petition by NStar Electric Company, d/b/a Eversource Energy for grant of right in a way to install approximately 962 feet of conduit and one new manhole, MH31201, in Hill Street.

PUBLIC HEARINGS:

On the petition by Montvale Auto Care, 317 Montvale Avenue, Woburn, Massachusetts, 01801 for a new inflammable license, for 1,045 gallons of Class I oil in 55 gallon drums and, 24,000 gallons of Class I Liquid gas in underground storage tank, at 317 Montvale Avenue.

On the petition by The Chateau Restaurant of Woburn, Inc., 195 School Street, Waltham, Massachusetts 02451, for special permit pursuant to the 1985 City of Woburn Zoning Ordinance, as amended, Section 5.1(69), Section 7.3 and Section 13.5 to allow for alterations to the existing two (2) nonconforming pylon signs, at 311 Mishawum Road.

On the petition by NStar Electric Company, d/b/a Eversource Energy, and Verizon, New England Inc. for grant of right in a way to install approximately 60 feet of conduit in Gill Street southwesterly from new pole 582/6B, 801 feet southeast of 6th Street, to private property located at 6 Gill Street.

On the petition by NStar Electric Company, d/b/a Eversource Energy, and Verizon, New England Inc. for grant of right in a way to install one new pole 582/6B on Gill Street, easterly side, approximately 801 feet southeast of 6th Street.

On the petition by President Tedesco, Councilor Ferullo, and Councilor Demers to amend the 1985 Woburn Zoning Ordinances, as amended, be further amended as follows: 1. by deleting in its entirety from Section 11.6.12, Rooftop Dining in the B-D District., and insert in its place a new Section 11.6.12, Rooftop Dining; and 2. by deleting in its entirety from Notes to

5.1 Table of Use Regulations, Note 27, and insert in its place the following: “27. Rooftop dining may be authorized by Special Permit from the City Council if the conditions outlined in Section 11.6.12 are met.

On the petition by TDC Development Group, LLC, 125 High Street, Boston, Massachusetts 02110, to amend the 1985 Woburn Zoning Ordinances, as amended, by 1. adding a new Section 32 entitled Life Sciences and Business Mixed Use Overlay District (LBOD) and 2. amending the Woburn Zoning Map to overlay the new LBOD district onto the parcels shown on Woburn Assessors Maps as Map 29, Block 1, Lot 1; Map 29, Block 1, Lot 2; Map 29, Block 1, Lot 3; Map 29 Block 1, Lot 4; and Map 29, Block 1, Lot 5. PUBLIC HEARING OPENED: A communication dated November 17, 2021 was received from Tina P. Cassidy, Woburn Planning Board Director as follows:

RE: PLANNING BOARD REPORT/RECOMMENDATION ON PROPOSED ZONING TEXT AMENDMENT TO CREATE A LIFE SCIENCES AND MIXED-USE BUSINESS OVERLAY DISTRICT (LBOD) AND PROPOSED ZONING MAP AMENDMENT TO OVERLAY THE LBOD ON SEVERAL LOTS ALONG MIDDLESEX CANAL PARK DRIVE / TD DEVELOPMENT GROUP, LLC

Dear Council:

The Woburn Planning Board conducted its public hearing on the above-referenced zoning text and map amendments at meetings held on October 26, 2021, November 9, 2021, and November 16, 2021. At the conclusion of the public hearing and subsequent discussion, members of the Board voted 3-2 (Doherty, Callahan, Turner in favor, Ventresca and Bolgen opposed) to recommend to the City Council that the proposed amendments NOT BE ADOPTED.

In general, the Planning Board supports efforts to encourage the expansion of the life sciences-based industry in the City. However, Board members on the prevailing side of this recommendation did not support the proposed rezoning largely because it would allow the use of some amount of high hazard materials and processes in relatively close proximity to residential uses. The City currently requires high hazard uses to be located at least 1,500’ from the nearest residential zoning district, and the LBOD would reduce that distance to 125’. Research conducted by the Proponent and written testimony from MassBIO revealed that Woburn’s 1,500’ setback requirement between residential zoning districts and high hazard uses is perhaps archaic and makes the City an outlier compared to other communities.

Prevailing Board members were unmoved by this information and testimony. For them, the notion of allowing even “accessory” levels of high hazard uses within close proximity to residences was unacceptable. Also of concern was the fact that specifying a smaller setback distance for the LBOD would spur other owners of B-I and I-G property to seek similar relief from the current 1,500’ requirement so they too could house businesses in the life sciences

field. Under this scenario, there is potential impact to a number of residential neighborhoods in other parts of the City.

Other reasons cited for the negative recommendation included (a) concern about potential emissions from rooftop mechanical equipment that could not be quantified or analyzed before a vote to adopt/rezone; (b) an inability to identify a clear public benefit to the rezoning; and (c) the necessity of adopting definitions for terms such as “life sciences” and “research and development” prior to allowing them so close to residential zoning districts.

If the Council decides to create the new overlay district, the Planning Board recommends it consider making the following changes to the proposed text prior to adoption:

1. *Under-building parking levels should count toward the calculation of a building’s height.* Typically, parking facilities under a building (not underground, but under a building) are not included in the calculation of a building’s height. Such facilities are, though, included in the calculation of a building’s height if they are located in the Technology and Business Mixed Use Overlay District (TBOD). The Planning Board recommends that the language of the proposed LBOD track that of the TBOD, and be revised to ensure under-building parking is in fact included in the calculation of a building’s height. Specifically, the Board recommends inserting a new subsection 32.6.1.5. as follows: “2. *Parking facilities within a building shall be included in the calculation of a building’s HEIGHT, notwithstanding the definition of HEIGHT OF A BUILDING in Section 2 and the provisions of Section 6.1 Table of Dimensional Regulations.*” The Board notes subsequent subsections of the proposed LBOD would need to be renumbered to accommodate this insertion.
2. *The amount of a building allowed to exceed the maximum height requirement should be significantly reduced.* As drafted, up to 15% of the total roof area in an LBOD would be allowed to have rooftop structures extending as much as 35’ above the roofline. By contrast, only 3% of the total roof area can extend as much as 35’ above the roofline in the TBOD. The Planning Board recommends replacing the figure “15%” cited in proposed Section 32.6.1.2. with “3%”.
3. *The LBOD uses terms that should be defined in the Zoning Ordinance.* The proposed LBOD ordinance uses two terms/uses (“Life Sciences” and “Research and Development”) that are not defined in the Woburn Zoning Ordinance. The Planning Board recommends creating and adopting definitions for both terms, either simultaneously with enactment of the LBOD ordinance or as soon as possible thereafter. The proposed LBOD proposes special (lower than typical) parking requirements for “Life Sciences” and “Research and Development” uses, and having clear definitions of both terms will enable the Building Commissioner to accurately determine a project’s conformance with the parking requirement(s). The Council might consider adding definitions for both terms to the Definition section of the zoning ordinance (Section 2), and adding parking requirements for those uses to the Off-Street Parking and Loading section of the zoning ordinance (Section 8), so they can be applied to these uses City-wide, not just to those in the LBOD.
4. *The setback requirement for high hazard uses should be measured from the nearest residential zoning district boundary line only, and not from both the nearest zoning*

boundary line and residences. If high hazard uses are present in a building, the new overlay would require they be set back “250’ from a primary residential structure located in a residential zoning district in existence as of September 1, 2021”, and would also require the high hazard use to be located a minimum of 125’ from “the residential zoning district”. Specifying a setback from residential structures could be problematic if an addition is built onto a residential structure in the future, such that a residence then falls within 250’ of a high hazard accessory use in the LBOD. Any such case would render the high hazard use non-complying from a zoning perspective, and require zoning enforcement action against the tenant in the LBOD (e.g. demand for cessation of the high hazard use). The Planning Board therefore recommends any setback requirement be measured only from the nearest residential zoning district boundary line.

5. *A setback for rooftop structures should be specified.* There is a provision in the zoning ordinance related to wireless communication links that might be appropriate to include in the new overlay, to help address concerns about the appearance and visibility of rooftop structures. The Planning Board recommends the Council add similar language, to Section 32.6.1.2., as follows: “Any structures erected on the roof of a building shall be set back a minimum of fifteen (15) feet from all sides of the building.”
6. A redundancy in the text should be deleted. Proposed Section 32.6.1.5 contains two different lines relative to maximum building height with no difference in the number. That is, subsection 8 calls for a maximum building height of 40’ and subsection 9 calls for a maximum building height of 40’ for buildings within 150’ of a residential zoning district on the Zoning Map. Since the measurements are the same, subsection 9 can be stricken.

In closing, the Board notes that discussion of the LBOD has underscored the fact that the Woburn Zoning (WZO), as currently written, may not adequately accommodate the life sciences and related industries. The WZO has never been comprehensively reviewed and updated to address the operational needs of that business sector, and as a result there are zoning provisions that may well be constricting or preventing its current and future success. The Planning Board would support an effort to review and revise the WZO as may be needed to solve that, and the Board and its staff stand ready to assist the Mayor and/or Council in that regard.

Thank you in advance for your consideration of this report, and please feel free to contact me if you have any questions relative to it.

Respectfully, s/Tina P. Cassidy, Planning Board Director

Further, a communication dated December 1, 2021 was received from Attorney Joseph R. Tarby, III, Rubin and Rudman LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801, as follows:

Re: Zoning Amendment Petition by TDC Development Group LLC

Dear Ms. Higgins:

I respectfully request that the public hearing on the above matter scheduled for December 7, 2021 be continued to the City Council meeting scheduled for December 21, 2021. If you need any further information, please do not hesitate to contact me. Thank you.

Very truly yours, s/Joseph R. Tarby, III.

On the petition by CONTINUUS Pharmaceuticals, Inc. c/o Ernest Penachio, 25-R Olympia Avenue, Woburn, Massachusetts 01801 for special permit to allow: 1. Revised site plan file with Special Permit Petition; 2. A Modification to the Landowner's Decision and Notice of Special Permit dated March 29, 2018 (the "Decision") to allow for a total of approximately 37,728 square feet of light manufacturing use; and approximately 13,038 square feet of office use; and 7,440 square feet of light manufacturing use; 3. A Special Permit pursuant to Section 9 to allow for the requested uses within the limits of the Floodway and Food Plain Districts; 4. Site Plan Approval pursuant to Section 12.2.4; and 5. A Special Permit pursuant to Section 5.1(53) to allow for a high hazard use, at 32 Cabot Road. PUBLIC HEARING OPENED: A committee report was received "ought to pass" with the following conditions: 1. The Applicant shall construct and improve the site as substantially described in the plans submitted with the Special Permit Application entitled: "GMP Plant Project", 32 Cabot Road, Woburn, Massachusetts consisting of Sheet C0.0 dated July 6, 2021, revised October 22, 2021; Sheet C1.1 dated July 6, 2021, revised August 4, 2021; revised October 5, 2021; revised October 22, 2021; Sheet C2.1 dated July 6, 2021, revised August 4, 2021; revised October 5, 2021; revised October 22, 2021; Sheet C3.1 dated July 6, 2021, revised August 4, 2021; revised October 5, 2021; revised October 22, 2021; Sheet C4.1 dated July 6, 2021, revised August 4, 2021; revised October 5, 2021; revised October 22, 2021; Sheet C5.1 dated July 6, 2021, revised August 4, 2021; revised October 5, 2021; revised October 22, 2021; Sheet C5.2 dated July 6, 2021, revised August 4, 2021; revised October 5, 2021; revised October 22, 2021; Sheet C5.3 dated July 6, 2021, revised August 4, 2021; revised October 5, 2021; revised October 22, 2021; prepared by Pare Corporation, 8 Blackstone Valley Place, Lincoln, RI 02865 (hereinafter the "Site Plan") although design adjustments and modifications generally associated with: (i) preparing so-called "working drawings" or (ii) site conditions shall be permitted so long as such changes do not constitute substantial changes from said plans as determined by the Building Commissioner. In the event that the Building Commissioner determines that the building plans filed with the Building Permit Application are not in substantial conformance with the Site Plan, the Applicant may request a review of said plans by the City Council Special Permits Committee who shall make a final determination. If the Special Permits Committee makes a determination that the proposed plans are not in conformance with the Site Plan, the Applicant shall be required to file a Special Permit Petition seeking approval to modify the Site Plan; 2. There shall be adequate rodent control in place prior to commencement of any site disturbance and maintained throughout all site development and construction phases. The Applicant shall provide monthly rodent control reports to both the Board of Health and the Department of Inspectional Services; 3. Prior to the issuance of a Building Permit, the Applicant shall file a snow storage and removal plan with the Department of Inspectional Services; 4. All

dumpsters, if any, shall be enclosed, by means of a fence, wall or landscaping in compliance with the Woburn Zoning Ordinance and Title 8 Section VII 8-17 of the Woburn Municipal Code. In addition rodent control measures in connection with any dumpsters shall be in place and maintained; 5. As-built plans shall be provided at the conclusion of the project to the satisfaction of the Engineering Department and Department of Inspectional Services. In addition, the Applicant shall provide interim as-built plans as required during permitting coordination with the City Engineer and Building Commissioner; 6. The Project is contingent upon the issuance of an Order of Conditions by the Woburn Conservation Commission (and/or Superseding Order of Conditions issued by MassDEP) pursuant to the Massachusetts Wetlands Protection Act, and implementing regulations (310 CMR 10.00 et seq.). Any material changes required in the Project as a result of the issuance of an Order of Conditions, shall be reviewed by the City Council pursuant to Condition One; 7. The Applicant shall submit monthly construction reports to the City Council, Building Commissioner, City Engineer, Fire Department and Conservation Commission; 8. A Dust Management/Mitigation plan for dust control during all phases of sitework/ construction shall be filed with the Department of Inspectional Services; 9. The final design(s) of all water connection(s) must be approved by the Department of Public Works and Water Superintendent, and installations of same are subject to the issuance of water connection permits by that Department; 10. If any changes are made to the proposed gas service and those changes require excavations in either Cabot Road or Commerce Way, the Petitioner (Continuus Pharmaceuticals, Inc.) shall be responsible for the costs of repaving and restoring either or both roadways to the satisfaction of the DPW Director; 11. Following installation of water services, the Petitioner shall mill (two [2] inches) and install a pavement overlay on the disturbed portion of Cabot Road in order to restore it to pre-construction condition. The minimum limit of area to be restored is shown in gray shading within Cabot Road right-of-way layout on Sheets C3.1 and C4.1 of the above-referenced plan set; 12. The words "NO PARKING" must be stenciled on the pavement along the curb line between the double Dumpster pad and the generator to its northeast, and at least two "NO PARKING" signs compliant with the Manual of Uniform Traffic Control Devices (MUTCD) shall be erected in the same location; 13. Prior to the issuance of a building permit the Applicant shall provide to the Department of Inspectional Services a HazMat Security Plan and a Building Occupancy Plan; 14. The Applicant shall meet with the Fire Department to finalize an emergency response contingency plan prior to occupying the Building; 15. The storage, disposal and containment protection of all waste materials shall comply with all applicable laws and codes to the reasonable satisfaction of the Woburn Fire Department; and 16. As mitigation for this proposal the Petitioner shall make a monetary contribution of \$25,000.00 for the purchase and installation of a flashing pedestrian crossing light at the corner of Washington Circle and Mill Street. Installation will be done by the Petitioner and upon receipt of a building permit. Any excess funds shall be applied to traffic improvements along Commerce Way.

On the petition by Jackson Lumber, 10 Jefferson Avenue, Woburn, Massachusetts 01801 for special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 7.5 and 15.6.C.i as follows: 1. To amend a special permit dated March 14, 2019 to supplement the plan of record to allow additional drainage and pavement to expand parking lot; and 2.

Alteration of existing use that does not conform to Groundwater Protection District to allow for drainage and pavement, at 36 Prospect Street.

On the petition by Lawless Inc., 196 Lexington Street, Woburn, Massachusetts 01801, for a special permit request that the Landowner's Decision and Notice of Special Permit dated May 11, 2017 (the "Decision") be amended as follows: 1. Condition 3 shall be amended to allow for vehicle repairs (mechanical and/or body work) in Building C on the Property. The prepping and equipping of new motor vehicles shall continue in Building B pursuant to the Decision; 2. Condition 4 which states that: "The use of the Property shall be limited to the prepping of new motor vehicles and the parking of some" shall be deleted; 3. That the Plan of Record shall be amended by adopting a revised Plan of Record entitled "Parking Layout Plan", 8 Draper Street, Woburn, MA dated September 27, 2021 prepared by Allen & Major Associates, 100 Commerce Way, Woburn, MA 01801 (the "Plan"). Please note that the revised Plan has incorporated changes shown on the Plan of Record to the Landowner's Decision and Notice of Special Permit dated December 28, 2017 to Lord Hobo Brewing Company and Draper Management LLC, at 8 Draper Street. PUBLIC HEARING OPENED: A committee report was received "ought not to pass".

Further, a communication dated November 24, 2021 was received from Tina P. Cassidy, Woburn Planning Board Director as follows:

RE: MODIFICATIONS TO PREVIOUSLY-APPROVED SPECIAL PERMIT FOR 8 DRAPER STREET LAWLESS INC.

Dear Council:

The Planning Department, with assistance from the Inspector of Buildings, reviewed the above-referenced Petition which seeks permission to repair vehicles on the property, in addition to the uses already allowed (preparing and equipping new motor vehicles). The site also houses office and warehouse space for a nearby brewery.

Planning staff offers the following comments and recommendations:

1. The off-street parking summary indicates there will be a total of only three employees in Buildings B, C and D combined. It then proposes a parking requirement of two (2) parking spaces for every three employees, presumably on the argument that automotive repair is classified as an "other" use in Section 8.2 of the Woburn Zoning Ordinance (WZO). If true, the Petitioner must establish, through documentation satisfactory to either the Council or the Building Inspector, that two parking spaces are adequate to service three employees.

On this point, Planning staff strongly recommends that the parking spaces provided for employees be identified on the plan and in the field. A total of at least 26 spaces are needed for employees of the office and warehouse space in Building A and the three

employees of Lawless who will occupy Buildings B, C, and D. There are only 11 standard, conforming parking spaces on the entire site.

2. It is unclear whether customers will be visiting the site if vehicle repair is authorized. If so, Condition #13 of the Council's May 2017 decision prohibits visitation by the public. Planning staff recommends that if the public will be on site, then some amount of parking should be reserved for their use both on the plan and in the field.
3. With respect to the overnight commercial van stalls located in the loading area of Building A, staff notes that one violates the provisions of Section 8.4.3.2 of the WZO (no parking permitted within the front setback requirement).
4. The Petition calls for locating an unscreened 10-yard Dumpster adjacent to the loading bay for Building A. This will put it in full view of passing traffic on Draper Street. Planning staff urges the Council to require some sort of screening around the Dumpster to avoid this, particularly since the City's Municipal Code no longer requires it.
5. The portion of the driveway that is currently a two-way driveway is less than 24' in width. Staff recommends the Council consider eliminating the two-way travel direction and instead require traffic to circulate one-way through the site.
6. The Petition mentions that the plans it submitted reflect the conditions and design of the special permit recently granted to Lord Hobo's use of Building A. Has the landscaping plan required by Condition #19 of the Council's May, 11, 2017 special permit to Lawless been incorporated into the submitted plans as well? Similarly, have all aspects of the snow removal plan, required by Condition #15 of the May 2017 decision, also been incorporated?
7. Staff recommends the Council re-impose all conditions of the special permits previously granted to Lawless for this site that are not otherwise modified by a new decision, except that Condition #23 of the May 2017 decision should not be re-imposed, per previous guidance from City Solicitor Ellen Callahan Doucette.

Thank you for the opportunity to comment. If you have any questions relative to this recommendation, please feel free to contact me.

Respectfully, s/Tina P. Cassidy, Planning Board Director

On the petition by Lawless Inc., 196 Lexington Street, Woburn, Massachusetts 01801, for a special permit pursuant to Section 7.3 and Site Plan Review under Section 12 of the 1985 City of Woburn Zoning Ordinance, as amended, to allow for: 1. A modification of the Landowner's Decision and Notice of Special Permit dated June 14, 2005 as set forth in Paragraph 2 below; 2. Pursuant to Section 7.3, the alteration of the existing nonconforming use and structure to allow for an additional 9,025 gross square feet (4,125 gfa on the first floor and 4,900 gfa on the second floor) for a reorganization of administrative offices and to allow for a covered service drive; 3. Pursuant to Section 12 Site Plan Review, since there is an increase of gross floor area in excess of 5,000 square feet (9,025 square feet); 4. Pursuant to Section 7.3 the Petitioner requests approval of the signage as shown on the plans filed herewith. The structure and use are nonconforming as follows: a. The property is located within the BH

Zoning District and R-1 Zoning District; b. The existing parking and rear building setback to the left of the existing building is within the 45 foot buffer zone (36.2 feet) next to American Legion; c. The front yard setback is 19.6 feet to the overhang and 25.8 feet from the foundation, at 196 Lexington Street. PUBLIC HEARING OPENED: A committee report was received “back for action”.

Further, a communication dated November 22, 2021 was received from Tina P. Cassidy, Woburn Planning Board Director as follows:

RE: SPECIAL PERMIT AND SITE PLAN REVIEW APPLICATIONS FOR ADDITION TO BUILDING LOCATED AT 196 LEXINGTON STREET / LAWLESS INC.

Dear Council:

The Planning Department has reviewed the above-referenced application which seeks permission to alter an existing non-conforming use and structure at 196 Lexington Street by constructing a 9,025 sq. ft., two-story addition to the existing building, erecting additional wall-mounted signage, and revising parking spaces and driveway aisle directions.

Planning staff reviewed the application and surveyor-certified site plan (most sheets dated 09/30/2021, and Sheet C-102 revised on 10-06-21) jointly with the Building Commissioner and offers the following observations and comments:

- Floor plans were not included in the application package and should be required; the floor plans should note the various uses of the existing and proposed floor space (e.g. office, storage, automotive repair, etc.) and quantify how many square feet of space there will be for each use.
- At present, conformance with the parking requirements of the Woburn Zoning Ordinance (WZO) cannot be determined. 9,025 sq. ft. of floor area is being added to the site but no additional parking spaces are being proposed. A revised off-street parking summary should be provided which lists all of the various floor uses proposed on the site (e.g. office, storage/showroom, automotive repair, etc.) and the amount of floor area each is expected to occupy. If the Petitioner believes the parking requirement for the proposed use(s) will be as determined by the Building Commissioner as an “other uses” under Section 8.2.5., then the Petitioner should submit documentation/information for review by the Inspectional Services Director so that he can render his determination relative to parking sufficiency.
- Snow storage areas are not shown on the plan and should be added. If the special permit modification/site plan review petitions are granted, approval should be conditioned on the Petitioner providing a copy of the revised plan showing snow storage areas to the Building Inspector.
- The location of exterior refuse and recycling containers are not shown on the plan. The 2005 Special Permit showed an exterior refuse area and required it be fenced, and restrictions were placed on its servicing. The plan should be revised to show the location of the refuse/recycling area and if it is outside, fencing around it.

- At present, it is not possible to determine if the signage included on the plans will comply with the WZO. The Petitioner should provide a detailed survey of all existing signage (including dimensions and sizes of each) as well as the same detailed information for each new sign to be erected. This information should be submitted for review by the Inspectional Services Director so that he can render his determination relative to zoning conformance.
- The plan set is missing a rendering of one of the facades. It should be provided.
- Two encroachments into the roadway right-of-way are noted. Has permission been obtained to authorize these encroachments?
- No details have been provided for either free-standing or wall-mounted lighting. Plans should be revised to incorporate these details, and all lighting fixtures should be Dark Sky compliant.
- An oil/water separator will be required in the repair area, and no details have been provided. They should be added to the plans.
- Planning staff has significant concerns with the safety aspects of the proposed two-way travel aisles, particularly when combined with angled parking. The aisle along the northeast side of the building will only be 20' wide, and that narrows to about 15' on the opposite side of the building. 20' is sufficient for one-way, but not two-way, traffic. Planning staff urges the Council to require one-way travel flow throughout the parcel, to increase the level of vehicular safety of all driveways.

If the Council ultimately grants the requested site plan review and special permit modification, Planning staff recommends that in addition to the above, the Council condition approval on a requirement that the Petitioner secure the services of a rodent abatement specialist prior to any demolition or construction activity on site, and that proof of such engagement shall be submitted to the Inspectional Services Director. The Council should also re-impose all conditions associated with the May 17, 2005 Special Permit, to the extent they are not altered by the latest plans/petitions.

Respectfully, s/Tina P. Cassidy, Planning Board Director

On the petition by Montvale Land LLC for approval of amended Master Concept Plan pursuant to Section 28.4.3 of the City of Woburn Zoning Ordinance, as amended, for the Vale, located on Hill Street, and for a Special Permit with Site Plan Review under the Technology Business Overlay District under the 1985 City of Woburn Zoning Ordinance, as amended, to allow for life science campus with a mix of R&D lab buildings, a cGMP biomanufacturing building, and an amenity building of approximately 10,000 square feet, at A2 Hill Street. PUBLIC HEARING OPENED: A committee report was received "back for action".

On the petition by Cabot, Cabot & Forbes LLC, 185 Dartmouth Street, Suite 402, Boston, Massachusetts 02116, for Special Permit pursuant to Section 23.5.5.2(a), Section 23.5.5.2(b)(e), Section 23.5.5.3(a), Section 23.9 and Section 12 of the 1985 City of Woburn

Zoning Ordinance, as amended to allow for: 1. Two Hundred Fifty (250) residential dwelling units; 2. Accessory pool; 3. Approximately 2,125 square feet of commercial, restaurant, fitness and/or retail space; 4. Site Plan Approval for Two Hundred Fifty (250) residential dwelling units; and 5. All signage as shown on the Site Plan, at 0 New Boston Street. PUBLIC HEARING OPENED: A communication dated November 30, 2021 was received from Donald C. Kenton, Chief of the Woburn Fire Department as follows:

RE: 0 New Boston Street

Dear President Tedesco and members of the City Council,

The Woburn Fire Department met the development team at Allen and Major as well as Attorney Joe Tarby regarding the proposed project at Zero New Boston Street on November 19th at their office. As a result of that meeting the original proposal was amended by Allen and Major to address the concern of the Woburn Fire Department. According to Nick Dellacava, the full plan was submitted to the city on Friday, November 26th. The Woburn Fire Department has reviewed the plan set including the "Layout & Materials Plan C-102" and the "Fire Truck Turning Plan C-106." The proposed changes appear to meet the site access needs of the fire department. Please contact my office with any questions.

Respectfully, s/ Donald C. Kenton, Chief of Department

UNFINISHED BUSINESS OF PRECEDING MEETING:

ORDERED

Be it Ordained by the City Council of the City of Woburn, that Title 2, Administration and Personnel, of the Woburn Municipal Code, as amended, be further amended as described herein:

by amending Article XII, Fire Department, as follows: (deleted language in ~~strike through~~; new language in **bold**):

2-87 Fees for inspections and permits.

TYPE OF PERMITS OR INSPECTIONS ~~FEE/TIME~~

1. Oil burner/**tank** installation ~~completions~~, inspection and permit
~~.\$25.00~~ **\$50.00** per job
~~and tank installation for oil burner~~
2. Propane storage, inspection and **tank** permit
.....\$50.00 per job
3. Flammable fluids and gases (M.G.L. c.148, §9) ~~\$40.00~~
~~one~~ **\$50.00**/year
4. Storage of black or smokeless powder \$25.00/
~~one~~ year

| | |
|---|---------------------|
| 5. Blasting Permit | \$50.00 |
| per job | \$150.00 |
| 6. Tank Removal permit (per tank) | |
| Residential..... | \$ |
| 50.00 | |
| Commercial..... | \$100.00 |
| 7. Installation of combustible/flammable liquid tank..... | \$50.00 |
| per tank | |
| 8. Fireworks display | \$50.00 |
| per event | |
| 9. Flammable decorations (NFPA 1)..... | \$15.00 |
| one year | |
| 10. Tar kettle | \$50.00 |
| per job | |
| 11. Tar truck | \$50.00 |
| per job | |
| 12. Tank truck inspections | \$75.00 |
| two years | |
| 13. Copies of fire or ambulance reports | \$25.00 |
| per copy | |
| 13. Cutting & welding permit..... | \$50.00 |
| 14. Smoke and/or Carbon Monoxide detectors (M.G.L. c.148, | |
| §26/NFPA 1) | |
| One Unit | \$ 50.00 |
| per inspection | |
| Two Unit | \$100.00 |
| per inspection | |
| Three to Six Units..... | \$150.00 |
| per inspection | |
| Over Six Units | \$500.00 |
| per inspection | |
| 15. Buildings, as defined by M.G.L. c. 148, §1 | \$50.00 |
| per inspection | |
| 16. Motel and hotel | \$25.00 per |
| inspection | |
| 17. Theatres | \$50.00 per |
| inspection | |
| 18. Fire Alarm (connection fee)..... | \$50.00 |
| 19. Fire Alarm master box connection (yearly fee)-..... | \$250.00 |
| 350.00/per year | |
| 20. Central office and other signal to fire alarm | \$125.00 |
| per year | |
| 21. Hazardous Material Processing Permit..... | \$ 50.00 |

~~All other fees not listed, but required by M.G.L. c.148, §10A....~~
~~\$25.00~~

and by amending Article XXVI, City Ambulance Service, as follows:

Section 2-174 Rates of service.

A. The following fees shall be charged for all persons transported to the hospital by the

City ambulance service: ~~Current Medicare Fee Schedule plus 200%.~~

| | |
|-----------------------------------|----------------------|
| BLS Emergency Base Rate | \$1196.25 |
| \$1,600.00 | |
| BLS Non-Emergency Base Rate | \$ 747.66 |
| ALS1 – Emergency Base Rate | 1420.56 |
| 2,000.00 | |
| ALS Non-Emergency Base Rate | 897.18 |
| ALS2 Emergency Base Rate | 2056.05 |
| 2,900.00 | |
| Specialty Care Transport | 2429.88 |
| Mileage | 20.58 |
| 25.00 | |
| Airway | 173.30 |
| Cardiac Monitor | 214.07 |
| Defibrillation | 352.87 |
| Oxygen | 164.69 |
| MAST | 235.27 |
| IV/Drugs | 352.87 |

The costs of ancillary services such as cardiac monitor, oxygen, IV/drugs are included in the Base Rate Fee.

s/President Tedesco
Per Request of the Mayor

ORDERED

Be it Ordained by the City Council of the City of Woburn, that Title 3, Revenue and Finance, of the Woburn Municipal Code, as amended, be further amended as follows: (deleted language in ~~strike through~~; new language in **bold**):

by revising Article III, Fees for Licenses, Permits & Records, as follows:

Section 3-19 Schedule of fees for licenses and permits.

**Business Certificates (filing).....
\$25.00**

Business Certificates amendments and Terminations \$5.00

Marriage, Birth or Death Certificate ... \$10.00 per copy

**Marriage Intention with one certified copy of
marriage certificate.....\$40.00**

and by deleting the following paragraph:

~~For the following, the fees charged shall be those which are prescribed
by MGLA:~~

~~Birth Records, Death Records, Marriage Records, Registration Fees,
Business~~

~~Certificates. (Prior Ch. 10 sec. 1; amended 1/19/2017; amended
3/23/2017).~~

and by revising Article VI, Demand Fees – Unpaid Taxes as follows:

Article VII, Demand Fees – Unpaid Taxes, ~~(numbered as passed)~~

Section 3-34 Demand fees - unpaid taxes

The Treasurer/Collector shall charge a fee of ~~\$10.00~~ **\$15.00** for each
written demand issued for unpaid real estate, personal property and
excise tax, which fee is to be added to and collected as part of the tax,
as authorized by M.G.L. c.60, §15, effective as of ~~July 1, 2014.~~

January 1, 2022;

and by renumbering VIII. REVOLVING FUNDS.

s/President Tedesco

ORDERED

Be it Ordained by the City Council of the City of Woburn, that Title
13, Public Services, of the Woburn Municipal Code, as amended, be
further amended as follows: (deleted language in ~~strike through~~; new
language in **bold**):

to revise Article II, Water System, Section 13.2.2 as follows:

13.2.2 Water Charges – Payable

All bills for metered water services shall contain the actual meter readings or an estimated reading. Such water charges shall be payable semi-annually, or monthly for non-residential water takers consuming large quantities of water. A ~~\$10.00~~ **15.00** late fee will be added and interest shall begin to accrue on any balance which remains unpaid after the 31st day at the statutory rate provided in M.G.L. c.59, §57. A \$25.00 lien fee will be added when unpaid charges and interest are liened to the real estate bills. Only one late fee and lien fee will be imposed when the bill is a combination water/sewer bill. Effective ~~July 1, 2015~~ **January 1, 2022**; and

and by inserting the following new provision:

13.2.32 ~~Reserved~~ Request for Final Water Reading – Change of Ownership

In every instance when a Certificate of Municipal Lien is requested by the property owner or their representative (i.e., real estate broker or attorney) for the conveyance of real property, a final water reading shall also be requested at least 7 days prior to the closing. The charge for such final water reading shall be \$50.00. Payment for the final bill charge is due and payable within 30 days. Failure of new owners to notify the Water Department of the change in name and/or address will not relieve them in any way from liability for payment of outstanding charges, interest or demands. All outstanding charges remain with the property and the Water Department will not bill prior balances to previous owners even if that amount appeared on a final bill.

s/President Tedesco
Per Request of the Mayor

ORDERED

Be it Ordained by the City Council of the City of Woburn, that pursuant to M.G.L. c.40A, §9 and Section 11.3.1 of the Woburn Zoning Ordinance as amended, that the following Filing Fee Schedule be adopted:

WOBURN CITY COUNCIL FILING FEES

(A \$300.00 Advertising and Mailing Charge shall be added to all fees)

Special Permits

| | |
|--|-----------------|
| Residential: | |
| New 1 and 2 family construction, and conversions | \$ 500.00 |
| Multi-family – Table 5.1, lines 3, 3a, 3b, 3c and 4 | \$1,000.00 |
| Commercial/Industrial | |
| Under 15,000 s.f. gfa | \$ 800.00 |
| 15,000 s.f. gfa and over | \$1,600.00 |
| Other | \$ 500.00 |
| Site Plan Review (without special permit) | \$1,600.00 |
| (with special permit) | no fee |
| Zoning Map or Text Amendment | \$ 750.00 |
| Special Permit, Section 7.3 | \$ 500.00 |
| Special Permit Modification, Major filing fee | same as initial |
| Special Permit Modification, Minor | no fee |
| Special Permit, Request to Extend Expiration Date | no fee |
| Resubmission of Lapsed CWCOD Concept Plan | \$ 100.00 |
| TBOD District (site plan review and/or special permit) | |
| \$1,500.00 | |
| Conversion of Significant Historic Buildings | \$500.00 |

s/President Tedesco
Per Request of the Mayor

COMMITTEE REPORTS:

PUBLIC SAFETY AND LICENSE:

A committee report was received “ought to pass” for the following:

Petitions for renewal of First Class Motor Vehicles Sales Licenses by the following: Lawless Inc., 196 Lexington Street; and Woburn Foreign Motors, Inc., 394 Washington Street.

A committee report was received “ought to pass” for the following:

Petitions for renewal of Second Class Motor Vehicles Sales Licenses by the following:
Lawless Inc., 193 Main Street; Ollie’s Service Center, 310 Main Street; George’s Auto Body of Woburn, Inc., 19 Jefferson Avenue, #C; Wassim (Sam) Nicholas dba Woburn Square Mobile, 23 Pleasant Street; Maurice Saba, dba Montvale Auto Care, 317 Montvale Avenue; Kenneth L. O’Connor dba City Line Motors, 30 Rear Torrice Drive; McSheffrey’s-SE, LLC dba McSheffrey’s of the South End, 75 Main Street; Southside Associates, Inc. dba Burke’s Garage, 71 Main Street; and Tracy M. Batten dba Tracy’s Auto Sales, 62R Winn Street.

A committee report was received “ought to pass” for the following:

Petition for renewal of Third Class Motor Vehicles Sales License by Woburn Truck and Auto, Inc. located at 1095R Main Street.

CITIZEN’S PARTICIPATION:

Petition by June Mackenzie regarding notification and enforcement of the plastic bag ban.

COMMUNICATIONS AND REPORTS:

A communication dated November 17, 2021 was received from Charles O’Connor, Parking Clerk, Police Headquarters, 25 Harrison Avenue as follows:

Council Members,

In accordance with Massachusetts General Laws Chapter 90, Section 20½, I am submitting the following parking ticket report. Figures cited below are for the Month of January 2021 to October 2021: Number of Violations Issued 368, Numbers of Violations Paid 138, Number of Violations Outstanding 206, Amount collected and submitted to Collectors Office \$27,311.00, Parking fines referred to the Handicap Commission \$6,600.00.

There is a backlog of 1584 unpaid tickets dating from January 2004 to December 2020. A 21 day late notice is sent to vehicle owners who have not paid the fine. After 28 days, if the fine still has not been paid, that information is forwarded to the Registry of Motor Vehicles for administrative action.

Respectfully submitted, s/Charles O’Connor, Parking Clerk

APPOINTMENTS AND ELECTIONS: None.

MOTIONS, ORDERS AND RESOLUTIONS:

A communication dated December 2, 2021 was received from Ellen Callahan Doucette, City Solicitor, as follows:

Re: Order to Authorize Sale of 0 Lamoil Street – Map 08, Block 01, Lot 55

Submitted for the Council's consideration is an Order to authorize the Mayor to convey a 2,450 s.f. parcel of land (the "Parcel") for the assessed value of \$6,765.00. If approved, the buyer of the parcel would be the Procopio Family Trust (the "Trust"), the owner of a 2-family dwelling at 4 Lamoil Street (the "Property").

Parcel History

By way of background, I received correspondence from an attorney for the Trust stating that the beneficiaries thereof were trying to sell the Property but ran into issues with a title search. The Property is comprised of smaller parcels that were created by the now legendary 1889 subdivision owned by the Woburn City Land Improvement Company. In preparation for the sale, a title search was performed that revealed that the Trust owned 5 of the smaller lots but did not own the sixth lot, the Parcel. A second title search was also performed with the same result.

I have attached two plans to illustrate the issue. The first plan was prepared for the Trust and shows the Parcel as Lot 4. The second plan is from the City's GIS which shows the Parcel surrounded by the Trust Property. I am told that a portion of the house is located on the Parcel.

According to the records of the Registry of Deeds, the Parcel was taken from William P. Robertson in 1910 for non-payment of taxes. The Tax Collector followed the requisite tax title process and conducted an auction, but received no bids for the Parcel. On May 7, 1912, the Tax Collector deeded the parcel to the City (Book 3690, Page 101).

Procedure for Sale of this Parcel

The Tax Collector's compliance with the tax title procedure concluding with a deed to the City means that the Parcel is now owned by the City as general municipal land. As with other general municipal land, a sale requires the City Council's approval under G.L. c.40, §3 and in some cases, also requires compliance with G.L. c.30B, §16, the Uniform Procurement Act.

Under c.30B, §16, if the property is valued in excess of \$35,000, the property must be sold through the bidding/RFP (Request for Proposal) process. Property valued at less than \$35K may conveyed or sold in any way the City wishes.

In many cases, the RFP process is recommended even if the value is under \$35,000 if there is than one party interested in purchasing the property. However, in a case such as this, where the Parcel is of value only in relation to the Trust's Property, an RFP is not necessary.

Please don't hesitate to contact me if you have any questions or wish to discuss this matter.

Sincerely, s/Ellen Callahan Doucette

ORDERED

Be it Ordained by the City Council of the City of Woburn pursuant to M.G.L. Chapter 40, Section 3, that the Mayor be and is hereby authorized to convey a parcel of land consisting of 2,450 square feet, identified in the Assessors records as 0 Lamoil Street, Map 08, Block 01, Lot 55, and currently assessed for \$6,765.00, to the Estate of Frank Procopio, upon such other terms and conditions as the Mayor deems in the best interests of the City.

s/President Tedesco
Per request of the Mayor

ORDERED

That the City Council approve the following materials related to Reprecincting following the 2020 United States Decennial Census: final map; final Block Listing Report by precinct; and Legal Boundary Descriptions (Wards); and Legal Boundary Descriptions (Precincts).

Please see attached documents.

s/President Edward Tedesco

Motion made and 2nd to ADJOURN.